CLIFTON BUDD & DEMARIA, LLP
ATTORNEYS AT LAW

THE EMPIRE STATE BUILDING
350 FIFTH AVENUE, 61ST FLOOR
NEW YORK, NY 10118

TEL 212.687.7410
FAX 212.687.3285
WWW.CBDM.COM

April 20, 2017

VIA ECF
Honorable Colleen McMahon
United States District Judge
United States District Court
Southern District of New York
500 Pearl St., Room 1640
New York, NY 10007

Re: *Elam v. Concourse Village, Inc. et al.*
15-cv-07215 (CM)

Dear Judge McMahon:

This firm represents Defendants Concourse Village, Inc., Letitia Bowry and Anthony James ("Defendants") in this action. I write at the request of Connie Dang, to memorialize a request relating to Defendants' trial exhibits in this action.

In the evening on Friday, April 14, 2017, Defendants' counsel discovered that the copy of Defendants' trial exhibit number DX-91, located in the exhibit binders that Defendants provided to the Court and opposing counsel ("Binder Exhibit DX-91"), contained materials inadvertently disclosed pursuant to Rule 502(b) of the Federal Rules of Evidence. After further review, Defendants determined that Binder Exhibit DX-91, which properly encompasses documents marked Bates Number D000547- D000553, also contained a single-paged file memorandum relating to an unrelated matter.

On the morning of Monday, April 17, 2017, Defendants' counsel contacted Ms. Dang and Plaintiff's counsel to inform them of Defendants' inadvertent disclosure, and to request that they remove and destroy the inadvertently disclosed information from Defendants' trial exhibit binders. Plaintiff's counsel consented to the removal and destruction of this document.

I write to formally request that the Court and Plaintiff's counsel remove and destroy the inadvertently disclosed document, if they have not done so already.

Thank you for your attention to this matter.

Respectfully submitted,

CLIFTON BUDD & DeMARIA, LLP
Attorneys for Defendants

By: Carla Gunther

Arthur Robb (AR-9446)
Stefanie Munsky (SM-0724)
Carla Gunther (CG-0827)
350 Fifth Avenue, 61st Floor
New York, NY 10118
(212) 687-7410